
Changes to legislation: There are currently no known outstanding effects for the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021, Paragraph 4. (See end of Document for details)

SCHEDULE MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 2

OTHER ENACTMENTS

Patient Rights (Scotland) Act 2011

- 4 (1) The Patient Rights (Scotland) Act 2011 is amended as follows.
- (2) In section 3 (patient rights)—
- (a) in subsection (2)(c), after “wellbeing” insert “ (including, where the health care being provided includes a service provided under the 2021 Act, decisions mentioned in subsection (3A)) ”,
 - (b) after subsection (3), insert—
 - “(3A) The decisions referred to in subsection (2)(c) are—
 - (a) a decision about whether to undergo a forensic medical examination (and whether any such examination should take place without the incident in connection with which the examination would be carried out having been reported to a constable),
 - (b) a decision about whether to make a request under section 8(1)(a) of the 2021 Act.”.
- (3) In section 18 (patient advice and support service), after subsection (6), insert—
- “(7) In this section and section 19, references to the health service include reference to the services provided under the 2021 Act.”.
- (4) In section 23(1) (interpretation)—
- (a) after the definition of “the 1978 Act”, insert—
 - ““the 2021 Act” means the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021;”,
 - (b) in the definition of “health care”, after “health service” insert “ or under the 2021 Act ”,
 - (c) in the definition of “health service function”—
 - (i) the words from “any” to the end become paragraph (a),
 - (ii) after that paragraph, insert—
 - “(b) the functions conferred by the 2021 Act;”,
 - (d) after the definition of “health service function”, insert—
 - ““patient” includes (except in sections 8 to 13) a person in relation to whom a Health Board is exercising the functions conferred by the 2021 Act;”.
- (5) In the schedule (health care principles)—
- (a) in paragraph 7—
 - (i) the existing words become sub-paragraph (1),
 - (ii) after that sub-paragraph, insert—

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- “(2) Sub-paragraph (1) does not apply in relation to the exercise of functions conferred by the 2021 Act.”,
- (b) in paragraph 12, after “wellbeing” insert “ (including, where the health care being provided includes a service provided under the 2021 Act, decisions mentioned in section 3(3A)) ”,
 - (c) in paragraph 15, after “wellbeing” insert “ or, where the health care being provided includes a service provided under the 2021 Act, about matters relevant to the provision of that service ”.

Commencement Information

II Sch. para. 4 in force at 1.4.2022 by S.S.I. 2022/24, reg. 2

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